

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION

DCTN: 011015421

Lockup No: 15

Case No: 2011 CRW002267

COMPLAINT
SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION

District of Columbia ss:

2011 JUL 12 A 9:47

2011 JUL -8 P 3:48

600661

11090773

Defendant's Name: Terrance Marquis Bush

(First)

(MI)

(Last)

(PDID)

(CCNO)

Also Known As:

(First)

(Middle)

(Last)

Address: [REDACTED] N.E., Washington, D.C.

Terrance Marquis Bush, within the District of Columbia, while armed with a firearm, and with the intent to kill another and to inflict serious bodily injury on another and with a conscious disregard of an extreme risk of death or serious bodily injury to another, caused the death of Robert Foster by shooting him on or about June 25, 2011, thereby causing injuries from which Robert Foster died on or about June 25, 2011. (Second Degree Murder While Armed, in violation of 22 D.C. Code, Sections 2103, 4502 (2001 ed.))

Co-Defendants:

Jimenez, Terry 2011 CF1011924

Bryant, Mark 2011 CF1012641

Affiant's Name

Subscribed and sworn to before me this 8 day of July, 2011

(Judge) (Deputy Clerk)

WARRANT

To The United States Marshal or any other authorized federal officer or the Chief of Police of the District of Columbia:
WHEREAS the foregoing complaint and affidavit supporting the allegations thereof have been submitted, and there appearing probable cause and reasonable grounds for the issuance of an arrest warrant for Terrance Marquis Bush

YOU ARE THEREFORE COMMANDED TO BRING THE DEFENDANT BEFORE SAID COURT OR OTHER PERSON ENUMERATED IN 18 U.S.C. 3041 forthwith to answer said charge.

Issued

July 8, 2011

Judge, Superior Court of the District of Columbia

Rule 105: ☐

Judge

Sex: Male	DOB: 02/08/1992	CCN: 11090773	PDID: 600661
Papering Officer: Jeffery Clay			Badge No.: D21659

OFFICER MUST EXECUTE RETURN

Officer's Name: [Signature]	Date / Time: 7/12/11 1100
AUSA Signature: [Signature]	Fel. I <input checked="" type="checkbox"/> AFTC <input type="checkbox"/> Fel. II <input type="checkbox"/>

T100412537

Superior Court of the District of Columbia
CRIMINAL DIVISION

2011 CPW 00 2267
USW NO.:

AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT

DEFENDANT'S NAME: Bush, Terrance Marquis				NICKNAME:		ALIASES:		CCN: 11-090-773	PDID# 600-661
SEX: M	RACE B	DOB: 2/8/1992	HGT: 5'7"	WGT: 150	EYES Brown	HAIR: Black	COMPL: brown	SCARS, MARKS, TATOOS West Side on the forearms	
DEFENDANT'S HOME ADDRESS: [REDACTED] N.E., Washington, D.C.							TELEPHONE NUMBER: N/A		
DEFENDANT'S BUSINESS ADDRESS: N/A							TELEPHONE NUMBER: N/A		
COMPLAINANT'S NAME: Foster, Robert							TELEPHONE NUMBER:		
LOCATION OF OFFENSE: 700 block Gresham Place, N.W., Washington, D.C.							DATE OF OFFENSE: 06/25/11	TIME OF OFFENSE: 5:03 p.m.	
CAUTION AND MEDICAL CONDITIONS (CMC) Select a valid CMC code below for wanted person when using the caution indicator.									
<input checked="" type="checkbox"/> 00 = Armed and Dangerous <input checked="" type="checkbox"/> 05 = Violent Tendencies <input type="checkbox"/> 10 = Martial Arts Expert <input type="checkbox"/> 15 = Explosive Expertise <input type="checkbox"/> 20 = Known to abuse drugs <input type="checkbox"/> 25 = Escape Risk <input type="checkbox"/> 30 = Sexually Violent Predator <input type="checkbox"/> 50 = Heart Condition					<input type="checkbox"/> 55 = Alcoholic <input type="checkbox"/> 60 = Allergies <input type="checkbox"/> 65 = Epilepsy <input type="checkbox"/> 70 = Suicidal <input type="checkbox"/> 80 = Medication Required <input type="checkbox"/> 85 = Hemophiliac <input type="checkbox"/> 90 = Diabetic <input type="checkbox"/> 01 = Other				
GIVE BRIEF DESCRIPTION OF WHAT HAPPENED:									

1. Your affiant is Jeffrey A. Clay, Jr. I am a detective with the Metropolitan Police Department ("MPD"). My badge number is: D2-1659. I have been a sworn Officer with MPD for approximately 7-1/2 years. I am currently assigned to the Homicide Branch, and have been so assigned for approximately 1 year. Among other things, I am responsible for investigating homicides that occur within the District of Columbia. I am the lead detective into the shooting death of Robert Foster, Jr. ("Mr. Foster") that occurred on Saturday, June 25, 2011, at approximately 1700 hours, in the 700 block of Gresham Place, N.W., in Washington, D.C. At the time, there was an open-air event, known as the Caribbean Festival, that was taking place along the 2000-3100 blocks of Georgia Ave, N.W., that was attended by thousands of people.
2. The information in this Affidavit is based upon information I have learned firsthand and matters that were made known to me by other detectives and officers involved in this investigation. This Affidavit is not intended to set forth all of the information known to me or to MPD, but is rather intended to set forth fairly in summary fashion some of the evidence concerning the murder of Mr. Foster, so that the Court can make a fair and informed decision as to whether or not probable cause exists as to the involvement of Deonte Bryant in the murder of Mr. Foster.
3. The investigation into the death of Mr. Foster established that at approximately 1703 hours (5:03 pm) on Saturday, June 25, 2011, members of MPD responded to the 700 block of Gresham Place, N.W., in Washington, D.C., to investigate the report of gunshots having been heard in the area. Upon arrival, MPD Officers located four (4) gunshot victims in the area. Mr. Foster was transported to MedStar Unit at the Washington Hospital Center, where he was pronounced dead at approximately 2041 hours (8:41 pm.) Thereafter, Mr. Foster's remains

were transported to the Office of Chief Medical Examiner for the District of Columbia ("OCME.") At the OCME, an autopsy was conducted by Dr. Prasher, who determined that the cause of death was a gunshot wound to Mr. Foster's lower back and spinal cord and that the manner of death was homicide.

4. The investigation involved interviews with witnesses, interviews with a person previously arrested in the incident, Defendant Jiminez, and review of multiple videotapes from the area. Your affiant has known Defendant Jiminez for approximately 5 years and has interacted with him on at least 15 occasions. Defendant Jiminez is known to be a member of the Hobart Stars crew. Defendant Jiminez was the intended victim in another homicide case on February 19, 2011, in which a close friend of Defendant Jiminez was killed. Your affiant is the lead detective in that homicide, as well. In that case, there are rumors from multiple sources that members of the Clifton Terrace University ("CTU") crew were responsible for the attempted murder of Defendant Jiminez.
5. Your affiant has also known Defendant Bryant (PDID # 585-414; DOB: 5-17-1991) for approximately 4 years and has had interaction with him at least 10 times. Defendant Bryant is known to be a member of the CTU crew.
6. Your affiant has known Terrance Bush since 2009. Your affiant has personally arrested Terrance Bush for CPWL around the Ledroit Park neighborhood. In addition, your affiant has acquired multiple photos during the course of this investigation. Defendant Bryant and Terrance Bush are in some of these together. Thus your affiant was able to determine that the two have some sort of relationship.
7. When reviewing various video-tapes from the area, your affiant was able to determine that three individuals walked together into the 700 block of Gresham Place, N.W., and then crossed together from the north side to the south side of Gresham Place, N.W. They appear calm and unconcerned. Defendant Jiminez and two other men walked together south on Georgia Ave., N.W., and then west into the 700 block of Gresham Place, N.W., and they were following Defendant Bryant (who was dressed in a white polo style shirt, white or cream baseball style cap, blue jeans, and hair in long dreads), Terrance Bush (white polo style shirt and blue jeans), and S-3. Moments later, Defendant Jiminez and his two companions entered the 700 block of Gresham Place, N.W., on the north side of the street, with a sense of urgency. Defendant Jiminez, who is dressed in a black-colored T-shirt and tan-colored cargo shorts, pulled up his shirt and reached into the area of his waistband, where he appeared to retrieve a pistol. Defendant Bryant, Defendant Bush, and S-3 appear to be running from Defendant Jiminez and his two companions. The two groups are initially on opposite sides of the street.
8. Once Defendant Jiminez was about a quarter of the way into the 700 block of Gresham Place, N.W., he crossed into the middle of the street. At that point, the reaction of Defendant Bryant, Defendant Bush, and S-3, is consistent with Defendant Jiminez having fired his weapon. From there, Defendant Jiminez ducked behind a motor vehicle, which he used for cover, as he prepared to fire his pistol in the direction of Defendant Bryant, Defendant Bush, and S-3. Defendant Bryant and Defendant Bush are seen taking out pistols that had been concealed in their waistbands. S-3 continued running west on the southern sidewalk. Defendant Bryant and Defendant Bush stopped and began firing in the direction of Defendant Jiminez. Then, Defendant Jiminez exposed himself momentarily between the vehicles parked on the south side of the street, but almost instantly retreated behind the same vehicle and immediately ran in a northeast direction back to Georgia Ave., N.W., and away from Defendant Bryant, Defendant Bush, and S-3. In the interim, Defendant Bryant and Defendant Bush continued to fire their pistols in what appears to be an easterly direction - after Defendant Jiminez was in the process of retreating and after Defendant Jiminez was fleeing from the area. Defendant Bryant and Defendant Bush appear to be firing essentially straight down the sidewalk corridor, which is where all three innocent victims were shot. Defendant Bush fled westbound in the block. Defendant Bryant also turned and finally began to run in a westerly direction along the south-side sidewalk. As he fled the magazine from his pistol can be seen falling out of his pistol to the ground.

9. Eventually, twelve (12) expended .9 mm shell casings were recovered from the area where S-1 and S-2 had stopped and fired in an easterly direction. The clip from S-1's pistol was recovered from the sidewalk. It was determined to be a clip to a .9 mm semi-automatic pistol. The clip had a 20-bullet capacity, and contained ten (10) .9 mm bullets at the time it was recovered. Additionally, a total of three .45 caliber shell casings were found on the 700 block of Gresham Place, NW. Of those three, two were found on the northern side of that block, one was found on the southern side of the street in the general area where Defendant Jiminez had taken cover behind a vehicle.
10. During this exchange of gunfire, numerous uninvolved citizens were virtually trapped by and between the gunfire. As previously indicated, three such people were struck by the gunfire on the south side of the 700 block of Gresham Place, N.W. Mr. Robert Foster, Jr., was shot in the back and killed, as he attempted to run in an easterly direction (toward Georgia Ave., N.W.) on the southern sidewalk, away from Defendant Bryant, Defendant Bush and their gunfire. C-2 attempted to flee from Defendant Bryant's and Defendant Bush's gunfire by running eastbound on the southern sidewalk of the 700 block of Gresham Place, N.W.; unfortunately she was struck by the gunfire as well. Your affiant has been advised C-2 suffered a serious through-and-through gunshot wound that injured her liver and kidney(s), among other things. C-2 remains hospitalized and has endured multiple surgeries. C-3 also attempted to flee in an easterly direction along the southern sidewalk away from Defendant Bryant's and Defendant Bush's gunfire. As he fled C-3 suffered two wounds from bullets to the areas of his leg and stomach. C-3 was transported to the hospital, where he was treated and eventually released.
11. In addition to the three innocent victims, Defendant Jiminez was shot in the area of his right elbow. After being shot, the initial/visual blood evidence provided a blood trail of the route taken by Defendant Jiminez. After receiving the wound to his arm, as previously indicated, Defendant Jiminez initially ran from the south side of the street in a northeasterly manner to the northern side of the street and out to Georgia Ave., N.W., where he turned left and ran north along the west side of Georgia Ave., N.W., and away from the area. Defendant Jiminez was located in an alley beside 740 Columbia Road, N.W., where he claimed to have been an innocent victim of the shootings, and he was transported to George Washington Hospital for treatment.
12. Upon following what appeared to be Defendant Jiminez's the blood trail from the 700 block of Gresham Place, N.W., to the alley beside 740 Columbia Road, N.W., an MPD Officer located a .45 caliber semi-automatic pistol.
13. At George Washington Hospital, Defendant Jiminez was interviewed by an MPD detective. At that time, Defendant Jiminez was being interviewed as an uninvolved victim. At that time, Defendant Jiminez stated essentially that others had initially fired at him and that he had fired back with his .45 caliber semi-automatic pistol in self-defense. As previously indicated, a review of the available videotapes does not support Defendant Jiminez's self-defense claim.
14. On Sunday, June 25, 2011, Defendant Jiminez was charged with Second Degree Murder While Armed. On Monday, June 26, 2011, Defendant Jiminez was presented in Superior Court and was ordered preliminarily detained pursuant to 23 D.C. Code Section 1325(a). Defendant Jiminez's case number is: 2011-CF1-11924.
15. During the investigation, W-1 was located and interviewed. W-1 stated IT has known Defendant Jiminez for several years. W-1 stated IT was with Defendant Jiminez on June 25, 2011 at the Caribbean Festival and IT witnessed certain events prior to the shootings. W-1 stated that IT observed a tall, slim black male with long dreads dressed in a white polo style shirt walking with a group of individuals on Georgia Ave., N.W. Your affiant will refer to the person with the white polo shirt as "P-1," and will substitute P-1 for this individual in W-1's further description of events. W-1 stated that when P-1 and his companions walked past Defendant Jiminez and W-1, that P-1 began making intimidating looks in the direction of Defendant Jiminez and W-1 and P-1

JM

reached toward P-1's waist -- "pump faking" -- to let Defendant Jiminez and W-1 know P-1 was armed with a concealed pistol. P-1's actions caused W-1 to leave the immediate area. However, a short time later, P-1 confronted W-1 and stated, "tell your mans I'm trying to put in work." As P-1 said this, P-1 was again "pump faking" in his waist area to show IT that P-1 was armed. W-1 understood this as a clear threat against Defendant Jiminez, IT, and their companions. W-1 stated that P-1 then saluted and P-1 and his two companions walked toward the 700 block of Gresham Place, N.W. Thereafter, W-1 stated IT observed Defendant Jiminez enter the 700 block of Gresham Place, N.W., following P-1 and P-1's two companions. W-1 stated IT then saw Defendant Jiminez and P-1 and P-1's companions all brandish their pistols at almost the same time. W-1 stated that Defendant Jiminez fired his weapon first, but that P-1 and his companions also fired at almost the same time. IT saw P-1 and his companions fire their weapons from their position on the southern sidewalk in the 700 block of Gresham Place, N.W., in an easterly direction along the sidewalk (in the direction of Georgia Ave, N.W.), where the three innocent people were shot. IT stated that P-1 was firing a silver-colored pistol. W-1 stated it recognized P-1 as someone IT had previously seen at the Number 10 Police Boys & Girls Club. However, W-1 was clearly hesitant to state who P-1 was. Nevertheless, W-1 was shown a photo-array containing nine color photographs, including a photograph of the defendant, Deonte Bryant (PDID # 585-414; DOB: 5-17-1991.) W-1 looked at the photo-array and stated IT was unable to identify anyone.

16. On Tuesday, July 5, 2011, W-1 was re-interviewed by your affiant and others. During that interview, among other things, W-1 acknowledged that, prior to June 25, 2011, IT had a memorable interaction with the person identified as "P-1" in paragraph 14 of the Affidavit in Support of An Arrest Warrant (dated July 1, 2011.) In addition, W-1 stated that prior to June 25, 2011, IT had contact with a second of the three CTU members who were involved in the events of June 25, 2011. During the July 5, 2011 interview, W-1's attention was taken back to June 27, 2011, when IT had been shown a 9-photograph array and IT had stated IT was unable to identify anyone in the array. On July 5, 2011, W-1 was asked if IT had, in fact, recognized in that array the CTU person who had the long dreadlocks on June 27, 2011. W-1 stated IT had recognized the individual at the time IT was previously shown the photo-array. W-1 stated IT had been afraid to identify the person on June 27, 2011 because W-1 had security concerns for ITSELF and IT'S family. When W-1 was asked if IT would be willing to view again the 9-photograph array, W-1 began visibly trembling and shaking. At that point, W-1 put IT's head down and stated the shooter with the long dreadlocks was "Delonte [sic] Bryant." Up to and including the time when W-1 stated Bryant's name, no one had mentioned Bryant's name to W-1. Thereafter, W-1 was shown the same 9-photograph array IT had been shown on June 27, 2011. W-1 pointed to photograph #6 (Deonte Bryant; PDID #585-414) and identified the person in photograph #6 as being the person who provided menacing looks at/to Terry Jiminez at the Caribbean Festival prior to the shootings, as the person who was wearing a polo hat, a polo shirt, and who had long dreadlocks, and as being one of the CTU people who had shot a firearm during the Caribbean Day [Festival] on Gresham Place, N.W.

17. The person identified above variously as "S-1" and "P-1" are the same person and are the person identified by W-1 as Deonte Bryant.

18. In addition, on July 5, 2011, W-1 stated IT had previously had contact with one of the other two people who was with the person whose photographs IT had identified (Deonte Bryant.) Moreover, W-1 stated IT felt confident IT could identify a photograph of that person.

19. On July 5, 2011, Deonte Bryant was arrested on a Superior Court arrest warrant charging him with Second Degree Murder While Armed. On July 6, 2011, Mr. Bryant was presented in Superior Court, where he was held without bond, pursuant to 23 D.C. Code Section 1325(a). Mr. Bryant's Criminal Case Number is: 2011-CF1-12641.

20. Your affiant was familiar with certain friends and associates of Deonte Bryant. As a result, your affiant prepared a 9 photograph photo-array containing a photograph of one of Deonte Bryant's friends and associates. On July 6, 2011, W-1 was shown the photo-array thus prepared. W-1 viewed the array and stated that the second shooter who was with Deonte Bryant on June 25, 2011 was not among the persons in the photo-array. After viewing the array, W-1 provided additional information as to the second shooter. W-1 stated the second shooter (who was with Deonte Bryant) was about 5 ft. 6

inches to 5 ft. 7 inches tall, had a caramel complexion, had a full beard, and had tattoos on his forearms that read "West Side." W-1 also stated IT had seen this person at the Park View Recreation Center in June of 2011, and that this person frequents the Ledroit Park area. W-1 went on to explain that "They are with them.... Ledroit and Clifton are together," meaning that there is an alliance between various persons from Ledroit Park and members of the CTU crew.

21. The investigation revealed that Terrance Marquis Bush (DOB: 02-08-1992; PDID #600-661), who is approximately 5-6 to 5-7, and who had a caramel complexion and wears a full beard, is known to frequent the Ledroit Park. In fact, your affiant has previously arrested Mr. Bush for Carrying a Pistol Without a License and other associated offenses in the Ledroit Park neighborhood, and knows Mr. Bush has various tattoos on his person.

22. As previously indicated, your affiant has repeatedly viewed the video-tapes from the area of the 700 block of Gresham Place, N.W. Although the face of the second shooter with Deonte Bryant is not clearly visible on the videos, Terrance Bush's height, weight, body shape and style, are consistent with that of the second shooter who was with Deonte Bryant.

23. Moreover, on June 29, 2011, a DC Superior Court search warrant was executed at 2425 14th St. N.W., Apt. 110, which is the residence of Deonte Bryant and his mother. Among other things, a series of photographs were seized from Mr. Bryant's residence. Among the photographs seized was a group photograph of Mr. Bryant together with Terrance Bush (and others.) The "West Side" tattoos are visible on Terrance Bush's forearms.

24. As a result, on July 7, 2011, a 9 photograph photo-array was created that contained a photograph of Terrance Marquis Bush (DOB: 02-08-1992; PDID #600-661). It should be noted that the photo-array that was shown to W-1 on July 6, 2011 did not contain a photograph of Mr. Bush. On July 7, 2011, W-1 was shown the newly-generated photo-array. At that time, detectives asked W-1 if IT recognized the second man IT saw shooting, along with Deonte Bryant, on Gresham Place, N.W., during the Caribbean Festival. W-1 took the photo-array in IT's hand, viewed the array, and pointed the photograph #7 and stated, "7, (pause) 7." The person whose photograph appeared as Number 7 in the photo-array and which W-1 identified was that of Terrance Bush (DOB: 02-08-1992; PDID #600-661.)

25. W-2 was located and interviewed. W-2 is a member of the Hobart Stars. W-2 stated IT is knowledgeable about the inter-relationships between various members of the Hobart Stars and CTU. W-2 stated IT is aware that various members of CTU - specifically CTU members who were close to 2007 murder victim Jonathan Franklin of CTU -- blame the Hobart Stars for Jonathan Franklin's murder.

26. From your affiant's personal experience as a member of the 3D Vice Unit, Defendant Deonte Bryant and Jonathan Franklin were close friends who regularly hung out together.

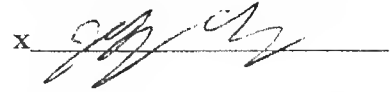
27. W-3 and W-4 were located and interviewed. Both W-3 and W-4 are familiar with Defendant Jiminez. W-3 stated IT heard that Defendant Jiminez was beefing with someone from the 1400 block of Clifton Street, N.W. Your affiant is aware that the 1400 block of Clifton Street, N.W., is CTU territory. W-4 stated IT heard that the "Hobart" and "Clifton Street" were beefing. As previously indicated, Defendant Jiminez is a known member of Hobart Stars; in addition Defendant Bryant is a known member of CTU.

28. With the exception of Defendant Jiminez, all of the other three gunshot victims - to include the 43-year old Mr. Foster -- were merely attending the Caribbean Festival activities and were not members of, or affiliated with, either the Hobart Stars or the CTU.

29. On July 6, 2011 and MPD Firearms Technician confirmed that the bullet removed from Mr. Robert Foster's (decedent) vertebra on autopsy was a .9mm bullet. It should be noted that the twelve (12) .9 mm casings recovered on the scene in the 700 block of Gresham Place, N.W., were all in the area where Defendants Bryant and Bush were firing their handguns. Furthermore, only .9 mm casings were recovered in the area from which they fired.

30. Your affiant believes probable cause exists that Terrance Marquis Bush (DOB: 02-08-1992; PDID #600-661) is guilty of Second Degree Murder While Armed in the death of Robert Foster, Jr., under an urban warfare/depraved heart theory of liability. Therefore your affiant respectfully requests a D.C. Superior Court arrest warrant be issued for Terrance Marquis Bush (DOB: 02-08-1992; PDID #600-661) charging him with that offense.

AFFIANT'S SIGNATURE:

x 

TO: WARRANT CLERK

PLEASE ISSUE A WARRANT FOR:

Terrance Marquis Bush

Charge With: Second Degree Murder w/A (Firearm)

Jessie R. Dwyer 7/8/11
ASSISTANT UNITED STATES ATTORNEY

SUBSCRIBED AND SWORN BEFORE ME THIS 8th

DAY OF July 20 11


(JUDGE) DEPUTY CLERK SUPERIOR COURT OF THE
DISTRICT OF COLUMBIA